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Third Session

SECOND COMMITTEE

PROVISIONAL SUMMARY RECORD OF THE FORTY-SEVENTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 18 March 1975, at 11 a.m

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| <u>Chairman:</u> | Mr. GALINDO POHL | El Salvador |
| <u>Rapporteur:</u> | Mr. NANDAN | Fiji |

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N.B. Participants wishing to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit them in writing in quadruplicate, preferably on a copy of the record itself, to the Official Records Editing Section, room E.4121, Palais des Nations, Geneva, within five working days of receiving the provisional record in their working language.

ORGANIZATION OF WORK

The CHAIRMAN thanked the members of the Committee for the honour they had done him by electing him Chairman. They had been working together for a long time to establish a new régime for the law of the sea, and the confidence and friendship that had developed over the years augured well for the work of the Committee. He would always be prepared to hear proposals and to make his own humble contribution whenever possible, with a view to obtaining those tangible results which their governments, their peoples and they themselves desired.

At the present meeting the Committee would discuss the organization of its work and questions of procedure. Owing to the short time available, he had had little opportunity for consultations, but the officers of the Committee had met earlier that morning and endorsed the suggestions he would put before it.

The Conference was beginning its third session under distinct pressures, inter alia to achieve tangible and lasting results which would lead to a convention on the law of the sea. It had before it the work of the Caracas session, so that it was not required to make a fresh start, but rather to continue and to adapt what had already been accomplished. An instrument as complex as the proposed convention had to be built up step by step, by a method that would allow full expression of national positions and lead to compromise, accommodation and agreement. It was only thus that common ground could be reached, national interests giving way to the interests of the international community.

The third session at Geneva was, in his opinion, the time and place to obtain general agreement on the basic subject-matter of the Conference. The programme of work should therefore reflect what could reasonably be expected to be achieved. After six years of work by the Sea-bed Committee and one year by the Third Conference on the Law of the Sea, it would seem that the time was ripe for fundamental negotiation. The future convention could take shape at Geneva and at the end of the session the Conference should have a definite answer to the question of the new order for the oceans, even though details and refinements might require consideration later.

The current session should be one of continuity, following up what had been done at Caracas and establishing the main substance of the future convention. Those were possible co-ordinates for the work of the third session: procedures would be devised as the work went forward. Since it was preferable to take decisions as and when required, working methods for the initial stage should be settled according to circumstances.

The principle of continuity would lead the Conference to confirm the procedural decisions taken at Caracas and to use the working documents produced there. Documents had been prepared on all the items allocated to the Second Committee, and its decision on the organization of the first stage of its work appeared in document A/CONF.62/L.8/Rev.1, annex II, paragraphs 6 and 7. By that decision, the Committee had agreed to undertake a second reading of the documents produced at the second session. While the arguments of the sceptics regarding attempts to produce consolidated texts could not be underestimated, the purpose of the second reading would be to arrive at such a consolidation. Reconsideration of the documents would be supplemented by informal consultations with a view to reconciling divergent views. Those parallel lines of action might give the real measure of agreement obtainable. The results of the consultations would be reported to the Committee. The working groups set up, or to be set up, by delegations would be helpful for the achievement of a broad basis for agreement and should be encouraged as much as possible.

With regard to method, the problems should be divided and approached from different angles and by different means. While political and legal treatment of questions did differ, they were closely interrelated and the Committee might agree on elements rather than on complete and polished formulas.

After consultation, the officers of the Committee had proposed the following outline of procedure for the first stage of its work:

- (1) Review of the documents produced at Caracas, on the basis of the groups of items decided on there, with a view to elaborating consolidated texts. The basis text would be document A/CONF.62/C.2/WP.1 of 15 October 1974, which was a systematic compilation of the documents produced by the Second Committee in informal meetings at Caracas.
- (2) Informal consultations on the views expressed during the review of the above document. An attempt would be made to focus the process of consultation on the essential items. The Chairman and the officers, with the assistance of the Secretariat, would be authorized to carry on consultations and would report on them to the Committee periodically.

- (3) Encouragement of working groups already in existence or which delegations might decide to set up. The Secretariat would be asked to provide the necessary meeting-rooms and interpretation services.
- (4) Invitation to delegations which had maintained differing views, set out in alternative formulas, to meet and attempt to reach compromises, and to report in due course on the results of their consultations.
- (5) Formal meetings for the official submission of new proposals by States or groups of States or to hear progress reports on consultations.

In order to have sufficient time and staff available for consultations and meetings of working groups, it was suggested that the Committee should hold morning meetings only and reserve the afternoons for other activities.

It seemed probable that progress at the current session would be measured less by the number of meetings held than by the points of substance agreed on. The working groups and informal consultations would be lines of action parallel and complementary to the Committee's discussions. Various channels could operate at the same time, and it might be necessary that they should do so.

He suggested that the Committee decide to organize its work at the preliminary stage in accordance with the five points he had indicated.

Mr. BAKULA (Peru) said his delegation believed that the outline of procedure undoubtedly provided a good course to follow. He wondered, however, whether the Chairman had estimated how long that preliminary stage of the work would last.

The CHAIRMAN said that that question had arisen at the meeting of the officers of the Committee. While he hesitated to say how many days the first stage would take, since it depended on the time used for negotiations and on the progress achieved, he would tentatively suggest that it should last until the Committee had to report to the plenary: in other words, about two weeks.

Mr. TREDINNICK (Bolivia) said that three suggestions made at Caracas had been omitted from document A/CONF.62/C.2/WP.1: article 3 of document A/CONF.62/C.2/L.39 and articles 1 and 2 of document A/CONF.62/C.2/L.65. With respect to the latter document, his delegation hoped that the economic zones to be established would be of a regional nature. He therefore requested that those three articles be included in document A/CONF.62/C.2/WP.1 as alternative formulas.

The CHAIRMAN said that the Secretariat would be requested to find out how that omission had come about and report to the Committee, which could then decide whether or not the suggested articles should be included.

Mr. KHARAS (Pakistan), noting that the Chairman had emphasized informal consultations, said that while his delegation recognized their importance, it feared that the trend towards working in small groups might lead to small groups laying down the law of the sea. He therefore suggested that after subjects had been thoroughly negotiated by the parties concerned, there should be an attempt to disseminate the results as widely as possible before submitting them to the Conference.

The CHAIRMAN said that the representative of Pakistan had suggested a sound guideline which he was willing to follow.

Mr. VALENCIA-RODRIGUEZ (Ecuador) said that his delegation fully supported the proposed outline of procedure, which could lead to tangible results. The material provided by the Caracas session was sufficient for serious negotiation, which could be carried on at informal meetings of the Committee and meetings of regional or other groups. What was required was goodwill, and his delegation was prepared to co-operate fully, it being understood that the negotiations would not lead to any abandoning of the rights of States. His delegation would listen to all points of view in order to arrive at equitable formulas, and it wished to emphasize once again that the essential need was for understanding.

The CHAIRMAN said that if he heard no objection, he would take it that the outline of procedure prepared by the officers of the Committee was adopted.

It was so decided.

Mr. GERMAN ZEA (Colombia) congratulated the Chairman on his election and said he hoped that with his help, agreement could be reached in the Committee.

He then paid a tribute to Ambassador Andrés Aguilar of Venezuela for the work he had done as Chairman of the Second Committee at the second session.

Mr. ZEGERS (Chile) requested that the Chairman's statement be reproduced in extenso.*

It was so decided.

The meeting rose at 11.45 a.m.

* See document A/CONF.62/C.2/L.87